



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/787,819	03/23/2001	Kurt Kemper	112791.1100	8216

6449 7590 11/05/2003

ROTHWELL, FIGG, ERNST & MANBECK, P.C.  
1425 K STREET, N.W.  
SUITE 800  
WASHINGTON, DC 20005

EXAMINER
----------

JIMENEZ, MARC QUEMUEL

ART UNIT	PAPER NUMBER
----------	--------------

3726

DATE MAILED: 11/05/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/787,819

Applicant(s)

KEMPER ET AL. *ch*

Examiner

Marc Jimenez

Art Unit

3726

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-62 is/are pending in the application.
- 4a) Of the above claim(s) 19-52 and 59-62 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 and 53-58 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, Claims 1-18 and 53-58 in Paper No. 11 is acknowledged.
2. Claims 19-52 and 59-62 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim.

### ***Priority***

3. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Drawings***

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the features of claims 54-57 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

***Specification***

5. The title and abstract of the invention is not descriptive. A new title and abstract are required that is clearly indicative of the invention to which the claims are directed.
6. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.
7. The disclosure is objected to because of the following informalities: There are references to the claims on pages 2-16 of the specification. The references to the claims should be removed.

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. **Claims 1-18 and 53-58** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites "said workpiece" in lines 2 and 5 which lacks proper antecedent basis.

Claim 1 recites "the treated surface" in line 5. It is unclear whether this is the same treated surface as "a surface treatment" in line 1. If it is not the same, then "the treated surface" in line 5 lacks proper antecedent basis. Clarification is requested.

Claim 4 recites "said workpiece having a round surface" in lines 1-2 which lacks proper antecedent basis.

Claim 5 recites “said workpiece including at least one bore” in lines 1-2 which lacks proper antecedent basis.

Claim 6 recites “said bore” in line 3 which lacks proper antecedent basis.

Claims 7 and 10 recite “a lead position substantially opposing each other” in the last two lines respectively. It is unclear what this limitation encompasses. How can a lead position oppose each other?

Claim 11 recites “a lead position substantially the same to each other” in the last line. It is unclear what this limitation encompasses.

Claim 12 recites “said workpiece including at least one flat surface” in lines 1-2 which lacks proper antecedent basis.

Claim 18 recites “said bore or similar opening” in line 2 which lacks proper antecedent basis.

Claim 56 recites “for producing bores or through-holes and/or blind holes in automotive engines”. It is unclear what this limitation encompasses. It is unclear how a method for a surface treatment in the preamble of claim 1 “produces bores or through holes and/or blind holes in automotive engines”.

### ***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. **Claims 1-4, 6-11, 18, 53, 54, and 58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art [AAPA] (page 1, second full paragraph of applicant's specification) in view of Abramsen (4,185,484).

[AAPA] teaches that it is known to surface treat workpieces of aluminum and/or alloyed aluminum (page 1, lines 6-7 and lines 23-24) in which the workpiece is worked at least in part.

[AAPA] teaches the invention cited with the exception of the workpiece being worked at least in part by at least one roll provided at least in part with an outer profile having the form of annular beads and recesses, comprising the steps of exposing the treated surface of the workpiece to compressive stresses, and exposing zones located beneath the treated surface of the workpiece to tensile stresses axially and tangentially through contact with the annular beads.

Abramsen teaches, in fig. 4, a workpiece **12** being worked at least in part by at least one roll **22,24** provided at least in part with an outer profile **30** having the form of annular beads **31** and recesses **33**, comprising the steps of exposing the treated surface **37** of the workpiece **12** to compressive stresses **35**, and exposing zones located beneath the treated surface **37** of the workpiece **12** to tensile stresses axially and tangentially through contact with the annular beads **31**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of [AAPA] with the workpiece worked at least in part by at least one roll provided at least in part with an outer profile having the form of annular beads and recesses, comprising the steps of exposing the treated surface of the workpiece to compressive stresses, and exposing zones located beneath the treated surface of the workpiece to tensile

Art Unit: 3726

stresses axially and tangentially through contact with the annular beads, in light of the teachings of Abramsen, in order remove scale from the surface of the workpiece.

Regarding claim 2, Abramsen teaches that the workpiece **12** is moved in an axial direction by the at least one roll **22,24** provided at least in part with the outer profile with the annular beads **31**.

Regarding claim 3, Abramsen teaches that the workpiece **12** is worked by at least two rolls **22,24** with the annular beads **31** in sequence in opposite directions (see arrows of **22,24** in fig. 4).

Regarding claim 4, Abramsen teaches that the workpiece **12** has a round surface **39** that is worked by at least one roll **22,24** provided at least in part with an outer profile **31** arranged parallel to the workpiece **12** and which is rotatable about the longitudinal centerline thereof as well as about the workpiece (see fig. 3).

Regarding claim 6, Abramsen teaches that the workpiece **12** is worked by a roll **22,24** provided at least in part with an outer profile **30** and at least two, substantially non-profiled rolls **44,46** arranged about the workpiece **12**. Claim 6 is written in alternative language, therefore, “or in said bore” is not required.

Regarding claim 7, Abramsen teaches that the workpiece **12** is worked by a roll **22,24** having an outer profile **30** in the form of annular beads **31** and recesses **33** arranged at an angle to the longitudinal centerline of the roll **22,24** comprise a lead position substantially opposing each other.

Regarding claim 8, Abramsen teaches that the workpiece **12** is worked by two rolls **22,24** each provided at least in part with an outer profile **30** and a substantially non-profiled roll **44,46**

Art Unit: 3726

arranged about the workpiece **12**. Claim 8 is written in alternative language, therefore, “or in said bore” is not required.

Regarding claim 9, Abramsen teaches that the workpiece **12** is worked by two rolls **22,24** having an outer profile **30** in the form of annular beads **31** and recesses **33** arranged at an angle to the longitudinal centerlines of the rolls **22,24,44,46**.

Regarding claim 10, Abramsen teaches that the two rolls **22,24** are powered in the same direction of rotation (counterclockwise in fig. 4) when the annular beads **31** and recesses **33** arranged at an angle to the longitudinal centerlines of the two rolls **22,24** comprise a lead position substantially opposing each other.

Regarding claim 11, [AAPA]/Abramsen teach the invention cited with the exception of the rolls powered in the opposite direction.

At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art, to have powered the rolls in the opposite direction because applicant has not disclosed that rotation in the opposite direction provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either rotating the rolls in the same direction taught by Abramsen or claimed in claim 10 or the claimed rotation in the opposite direction because either rotation directions perform the same function of removing scale equally well. Therefore, it would have been an obvious matter of design choice to modify [AAPA]/Abramsen to obtain the invention as specified in claim 11.

Regarding claim 18, Abramsen teaches that the workpiece **12** is coated with a covering material (col. 8, lines 30-31). Although, Abramsen broadly teaches coating and not specifically



Art Unit: 3726

that the coating is of metal, metal alloy, a paint, a plastics, is anodized, galvanized, or pickled, official notice is taken that these coating techniques are well known in the art to provide a suitable coating that protects the workpiece.

Regarding claims 53 and 58, [AAPA] teaches using aluminum (page 1, line 7).

Regarding claim 54, Abramsen teaches a rod.

12. **Claims 1-4, 6-11, 18, 53, and 54** are rejected under 35 U.S.C. 103(a) as being unpatentable over Abramsen (4,185,484) in view of [AAPA].

Abramsen teaches a method for a surface treatment of workpieces **12**, in which the workpiece **12** is worked at least in part by at least one roll **24,22** provided at least in part with an outer profile **30** having the form of annular beads **31** and recesses **33**, comprising the steps of exposing the treated surface **39** of the workpiece **12** to compressive stresses **32** and exposing zones located beneath the treated surface **39** of the workpiece **12** to tensile stresses axially and tangentially **35** through contact with the annular beads **31**.

Abramsen teaches the invention cited with the exception of the workpieces being aluminum and/or alloyed aluminum.

[AAPA] teaches that it is known to surface treat workpieces of aluminum and/or alloyed aluminum (page 1, lines 6-7 and lines 23-24) in which the workpiece is worked at least in part.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Abramsen with aluminum and/or alloyed aluminum workpieces, in light of the teachings of [AAPA], in order to treat a metal material that is relatively light weight and has high strength characteristics.

Art Unit: 3726

Regarding claim 2, Abramsen teaches that the workpiece **12** is moved in an axial direction by the at least one roll **22,24** provided at least in part with the outer profile with the annular beads **31**.

Regarding claim 3, Abramsen teaches that the workpiece **12** is worked by at least two rolls **22,24** with the annular beads **31** in sequence in opposite directions (see arrows of **22,24** in fig. 4).

Regarding claim 4, Abramsen teaches that the workpiece **12** has a round surface **39** that is worked by at least one roll **22,24** provided at least in part with an outer profile **31** arranged parallel to the workpiece **12** and which is rotatable about the longitudinal centerline thereof as well as about the workpiece (see fig. 3).

Regarding claim 6, Abramsen teaches that the workpiece **12** is worked by a roll **22,24** provided at least in part with an outer profile **30** and at least two, substantially non-profiled rolls **44,46** arranged about the workpiece **12**. Claim 6 is written in alternative language, therefore, “or in said bore” is not required.

Regarding claim 7, Abramsen teaches that the workpiece **12** is worked by a roll **22,24** having an outer profile **30** in the form of annular beads **31** and recesses **33** arranged at an angle to the longitudinal centerline of the roll **22,24** comprise a lead position substantially opposing each other.

Regarding claim 8, Abramsen teaches that the workpiece **12** is worked by two rolls **22,24** each provided at least in part with an outer profile **30** and a substantially non-profiled roll **44,46** arranged about the workpiece **12**. Claim 8 is written in alternative language, therefore, “or in said bore” is not required.

Regarding claim 9, Abramsen teaches that the workpiece **12** is worked by two rolls **22,24** having an outer profile **30** in the form of annular beads **31** and recesses **33** arranged at an angle to the longitudinal centerlines of the rolls **22,24,44,46**.

Regarding claim 10, Abramsen teaches that the two rolls **22,24** are powered in the same direction of rotation (counterclockwise in fig. 4) when the annular beads **31** and recesses **33** arranged at an angle to the longitudinal centerlines of the two rolls **22,24** comprise a lead position substantially opposing each other.

Regarding claim 11, Abramsen/[AAPA] teach the invention cited with the exception of the rolls powered in the opposite direction.

At the time of the invention, it would have been an obvious matter of design choice to a person of ordinary skill in the art, to have powered the rolls in the opposite direction because applicant has not disclosed that rotation in the opposite direction provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected applicant's invention to perform equally well with either rotating the rolls in the same direction taught by Abramsen or claimed in claim 10 or the claimed rotation in the opposite direction because either rotation directions perform the same function of removing scale equally well. Therefore, it would have been an obvious matter of design choice to modify Abramsen/[AAPA] to obtain the invention as specified in claim 11.

Regarding claim 18, Abramsen teaches that the workpiece **12** is coated with a covering material (col. 8, lines 30-31). Although, Abramsen broadly teaches coating and not specifically that the coating is of metal, metal alloy, a paint, a plastics, is anodized, galvanized, or pickled,

Art Unit: 3726

official notice is taken that these coating techniques are well known in the art to provide a suitable coating that protects the workpiece.

Regarding claim 53, Abramsen teaches the claimed materials.

Regarding claim 54, Abramsen teaches a rod.

13. **Claims 1-3, 12-17, 53, and 58** are rejected under 35 U.S.C. 103(a) as being unpatentable over Strite (567,756) in view of [AAPA].

Strite teaches method for a surface treatment of workpieces which is worked at least in part by at least one roll **10** provided at least in part with an outer profile having the form of annular beads and recess (see fig. 2-7), comprising the steps of exposing the treated surface of the workpiece to tensile stresses axially and tangentially through contact with the annular beads **10**. There are at least two rolls **10** and the workpiece have flat surfaces (col. 1, lines 18-19).

Strite teaches the invention cited with the exception of the workpieces being aluminum and/or alloyed aluminum.

[AAPA] teaches that it is known to surface treat workpieces of aluminum and/or alloyed aluminum (page 1, lines 6-7 and lines 23-24) in which the workpiece is worked at least in part.

Therefore, it would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Strite with aluminum and/or alloyed aluminum workpieces, in light of the teachings of [AAPA], in order to treat a metal material that is relatively light weight and has high strength characteristics.

Art Unit: 3726

14. **Claim 54** is rejected under 35 U.S.C. 103(a) as being unpatentable over [AAPA] in view of Abramsen as applied to claim 1 above, and further in view of Russell (6,062,645).

[AAPA]/Abramsen teach the invention cited with the exception of using the workpiece for headrest brackets in automobiles. It is noted however, that the workpieces of [AAPA] and Abramsen produce stock materials that can be made into different shapes in further processing operations.

Russell teaches that it is known to use metal for headrest brackets **11** in automobiles.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of [AAPA]/Abramsen with using the workpiece for headrest brackets in automobiles, in light of the teachings of Russell, in order to make a structural support for an automobile seat.

15. **Claim 55** is rejected under 35 U.S.C. 103(a) as being unpatentable over [AAPA] in view of Abramsen as applied to claim 1 above, and further in view of Shiau (4,640,500).

[AAPA]/Abramsen teach the invention cited with the exception of using the workpiece coiled springs. It is noted however, that the workpieces of [AAPA] and Abramsen produce stock materials that can be made into different shapes in further processing operations.

Shiau teaches that it is known to use metal for coiled springs **11**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of [AAPA]/Abramsen with using the workpiece for coiled springs, in light of the teachings of Shiau, in order to create a shock absorber for automobiles.

Art Unit: 3726

16. **Claim 57** is rejected under 35 U.S.C. 103(a) as being unpatentable over [AAPA] in view of Abramsen as applied to claim 1 above, and further in view of Fredrick (5,671,976).

[AAPA]/Abramsen teach the invention cited with the exception of using the workpiece for headrest brackets in automobiles having at least one flat surface. It is noted however, that the workpieces of [AAPA] and Abramsen produce stock materials that can be made into different shapes in further processing operations.

Fredrick teaches that it is known to use metal for headrest brackets **20** in automobiles that have at least one flat surface.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of [AAPA]/Abramsen with using the workpiece for headrest brackets in automobiles, in light of the teachings of Russell, in order to make a structural support for an automobile seat.

17. **Claim 54** is rejected under 35 U.S.C. 103(a) as being unpatentable over Abramsen in view of [AAPA] as applied to claim 1 above, and further in view of Russell (6,062,645).

Abramsen/[AAPA] teach the invention cited with the exception of using the workpiece for headrest brackets in automobiles. It is noted however, that the workpieces of Abramsen are used to produce stock materials that can be made into different shapes in further processing operations.

Russell teaches that it is known to use metal for headrest brackets **11** in automobiles.

It would have been obvious to one of ordinary skill in the art, at the time of the invention,

Art Unit: 3726

to have provided the invention of Abramsen/[AAPA] with using the workpiece for headrest brackets in automobiles, in light of the teachings of Russell, in order to make a structural support for an automobile seat.

18. **Claim 55** is rejected under 35 U.S.C. 103(a) as being unpatentable over Abramsen in view of [AAPA] as applied to claim 1 above, and further in view of Shiau (4,640,500).

Abramsen/[AAPA] teach the invention cited with the exception of using the workpiece to make coiled springs. It is noted however, that the workpieces of Abramsen is used to produce stock materials that can be made into different shapes in further processing operations.

Shiau teaches that it is known to use metal for coiled springs **11**.

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Abramsen/[AAPA] with using the workpiece for coiled springs, in light of the teachings of Shiau, in order to create a shock absorber for automobiles.

19. **Claim 57** is rejected under 35 U.S.C. 103(a) as being unpatentable over Abramsen in view of [AAPA] as applied to claim 1 above, and further in view of Fredrick (5,671,976).

Abramsen/[AAPA] teach the invention cited with the exception of using the workpiece for headrest brackets in automobiles having at least one flat surface. It is noted however, that the workpieces of Abramsen is used to produce stock materials that can be made into different shapes in further processing operations.

Fredrick teaches that it is known to use metal for headrest brackets **20** in automobiles that have at least one flat surface.

Art Unit: 3726

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of Abramsen/[AAPA] with using the workpiece for headrest brackets in automobiles, in light of the teachings of Russell, in order to make a structural support for an automobile seat.

20. **Claims 1, 2, 4, 5, 18, 53, and 58** are rejected under 35 U.S.C. 103(a) as being unpatentable over McQueen (5,460,563) in view of Seki et al. (5,356,665).

McQueen teaches a method for a surface treatment of workpieces **P** in which the workpiece **P** is worked at least in part by at least one roll **10** provided at least in part with an outer profile **26** having the form of annular beads and recesses comprising the steps of exposing the treated surface of the workpiece **P** to compressive stresses and exposing zones located beneath the treated surface of the workpiece **P** to tensile stresses axially and tangentially through contact with the annular beads **26**. The workpiece is moved axially (see fig. 4), the workpiece **P** has a round surface and at least one bore (ie. the inner surface of the pipe), and the workpiece is coated after treatment of the inner surface.

McQueen teaches the invention cited with the exception of the workpiece being made of aluminum or aluminum alloy.

Seki et al. teach an aluminum pipe (col. 5, line 15).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to have provided the invention of McQueen with an aluminum or aluminum alloy, in light of the teachings of Seki et al., in order to provide a material that has strong physical properties and has a relatively light weight.



***Response to Arguments***

21. Applicant's arguments with respect to claims 1-18 and 53-58 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

22. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Interviews After Final***

23. Applicant note that an interview after a final rejection will not be granted unless the intended purpose and content of the interview is presented briefly, in writing (the agenda of the interview must be in writing) to clarify issues for appeal requiring only nominal further

Art Unit: 3726

consideration. Interviews merely to restate arguments of record or to discuss new limitations will be denied. See MPEP 714.13 and 713.09.

### ***Contact Information***

24. Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, should be directed to the group clerical personnel. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information. M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, or fax (703) 872-9301 or by email to [CustomerService3700@uspto.gov](mailto:CustomerService3700@uspto.gov).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc Jimenez whose telephone number is **703-306-5965**. The examiner can normally be reached on **Monday-Friday, between 5:30 am- 2:00 pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on 703-308-1789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

Art Unit: 3726

should be directed to the receptionist whose telephone number is 703-308-1148.

Other helpful telephone numbers are listed for applicant's benefit.


Allowed Files & Publication	(703) 308-6789 or (888) 786-0101
Assignment Branch	(703) 308-9723
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Petitions/Special Programs	(703) 305-9285
Terminal Disclaimers	(703) 305-8408
PCT Help Desk	(703) 305-3257

If the information desired is not provided above, or a number has been changed, please call the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	<a href="http://www.uspto.gov/">http://www.uspto.gov/</a>

  
MJ

October 31, 2003

  
GREGORY VIDOVICH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700